

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

Lance L. Hack,)
 Movant,)
vs.) No. 04-0845-CV-W-FJG
) Crim. No. 00-0415-01-CR-W-FJG
United States of America,)
 Respondent.)

ORDER

Pending before this Court are movant's motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255 (Doc. #4), filed October 6, 2004, and respondent's motion to dismiss movant's 28 U.S.C. § 2255 claims (Doc. #9), filed November 29, 2004.

Defendant entered a guilty plea to bank robbery charges on February 9, 2001, and was sentenced on August 20, 2001. Subsequently, defendant filed an *Anders* brief. On March 13, 2002, the United States Court of Appeals for the Eighth Circuit ruled that there were no nonfrivolous issues within movant's appeal. No further appeal was taken.

Effective April 24, 1996, persons seeking relief under 28 U.S.C. § 2255 have a one-year period of limitation from the date on which their judgment is final, in which to file a § 2255 motion. See Clay v. United States, 123 S.Ct. 1072, 1075 (2003); 28 U.S.C. § 2255(1); Abdullah v. United States, 240 F.3d 638 (8th Cir. 2001). The filing of movant's § 2255 motion exceeds this one-year period without an excusable reason for delay. Accordingly, respondent's motion to dismiss movant's 28 U.S.C. § 2255 claims (Doc. #9), filed November 29, 2004, is sustained, and this matter is dismissed.

/s/Fernando J. Gaitan, Jr.
Fernando J. Gaitan, Jr.
United States District Judge

Dated: June 28, 2005
Kansas City, Missouri